

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
WESTERN DIVISION

2004 APR 12 P 1:17
CIVIL ACTION NO.:

U.S. DISTRICT COURT
DISTRICT OF MASS.

04-40050 -NMG

MARGARET OPOKUA,
Plaintiff
v.
VIVIAN BOATENG,
Defendant

COMPLAINT AND DEMAND FOR JURY TRIAL

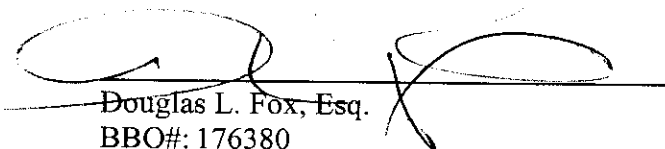
1. The Plaintiff Margaret Opokua is an individual and a resident and citizen of Ghana.
2. The Defendant Vivian Boateng is an individual and a resident of the City and County of Worcester, Commonwealth of Massachusetts.
3. At all times material hereto, the Defendant, together with her husband jointly owned and maintained the property at 70 Fourth St., Worcester, Massachusetts.
4. On or about August 21, 2002, the Plaintiff, while lawfully upon the Defendant's premises, was caused to fall as a result of the Defendant's negligence and carelessness in the maintenance of her property.
5. As a direct and proximate result, the Plaintiff was injured, required medical treatment for her injuries, experienced pain, suffering and emotional distress, and has been disabled from her usual activities.

Wherefore, Plaintiff demands judgment of the Defendant in the amount of her damages, plus interest and costs.

PLAINTIFF HEREBY DEMANDS A JURY TRIAL OF ALL ISSUES TRIABLE AS OF RIGHT BY JURY.

Plaintiff,
By her attorney,

RECEIPT # 24296
AMOUNT \$ 150.00
SUMMONS ISSUED ✓
LOCAL RULE 4.1 ✓
WAIVER FORM ✓
MCF ISSUED ✓
BY DPTY. CLK. RH
DATE 04.12.04


Douglas L. Fox, Esq.
BBO#: 176380
SHUMWAY, GIGUERE & FOX, PC
19 Cedar Street
Worcester, MA 01609
(508) 756-2323

I. (a) PLAINTIFFS

Margaret Opokua

(b) County of Residence of First Listed Plaintiff Ghana
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number) 508-756-2323
Douglas L. Fox, Esq., Shumway, Giguere & Fox, PC, 19 Cedar St., Worcester, MA 01608

DEFENDANT

04-40050
Vivian Boateng

County of Residence of First Listed Defendant Worcester
(IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☒ Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State ☐ 1 ☒ 1 Incorporated or Principal Place of Business in This State ☐ 4 ☐ 4
Citizen of Another State ☐ 2 ☐ 2 Incorporated and Principal Place of Business in Another State ☐ 5 ☐ 5
Citizen or Subject of a Foreign Country ☒ 3 ☐ 3 Foreign Nation ☐ 6 ☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 100 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instruments <input type="checkbox"/> 150 Recovery of Overpayment & An Instrument of <input type="checkbox"/> 160 Unemployment Act <input type="checkbox"/> 170 Recovery of Detained Student Loans (Encl. Veterans) <input type="checkbox"/> 180 Recovery of Overpayment of Veterans's Benefits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 200 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Assault <input type="checkbox"/> 315 Assault Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employees' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury—Med. Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Ambulance Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Towed <input type="checkbox"/> 371 Towed to Landing <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.E. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 670 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Imm. Relations <input type="checkbox"/> 730 Labor/Imm. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 750 Other Labor Litigation <input type="checkbox"/> 760 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 151 <input type="checkbox"/> 423 Withdrawal 21 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 620 Copyright <input type="checkbox"/> 630 Patent <input type="checkbox"/> 640 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (13504) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIW COPW (405 (g)) <input type="checkbox"/> 864 SLD Title XVI <input type="checkbox"/> 865 RSI (405 (g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7409	<input type="checkbox"/> 400 State App. Jurisdiction <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 420 Bank and Banking <input type="checkbox"/> 430 Commerce/TCC Relations <input type="checkbox"/> 440 Corporation <input type="checkbox"/> 450 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 460 Selective Service <input type="checkbox"/> 470 Securities/Commodities/Exchange <input type="checkbox"/> 471 Customer Challenge 12 USC 3410 <input type="checkbox"/> 491 Agricultural Act <input type="checkbox"/> 492 Economic Stabilization Act <input type="checkbox"/> 493 Environmental Matters <input type="checkbox"/> 494 Energy Allocation Act <input type="checkbox"/> 495 Freedom of Information Act <input type="checkbox"/> 496 Appeal of Fee Determination <input type="checkbox"/> 497 Constitutionality of State Statutes <input type="checkbox"/> 498 Other Statutory Actions

V. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

- ☒ Original Proceeding ☐ 1 Removed from State Court ☐ 2 Remanded from Appellate Court ☐ 3 Reinstated or Reopened ☐ 4 Transferred from another district (specify) ☐ 5 Multidistrict Litigation ☐ 6 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION (Check the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not enter jurisdictional statute unless of necessity.)

Diversity - Tort

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$ greater than

CHECK YES only if demanded in complaint:
JURY DEMAND: Yes ☐ No ☐

VIII. RELATED CASE(S)

IF ANY Bunker Hill Ins. v. Boateng, et al

Suffolk Superior Court

DOCKET NUMBER 04-0729 F

DATE 4/7/04
FOR OFFICE USE ONLY

SIGNATURE OF ATTORNEY OF RECORD

RECEIVED \$ _____ AMOUNT _____ APPLYING IF _____ JUDGE _____ MAG. JUDGE _____

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

04-40050

1. TITLE OF CASE (NAME OF FIRST PARTY ON EACH SIDE ONLY)

Margaret Opokua v. Vivian Boateng

2. CATEGORY IN WHICH THE CASE BELONGS BASED UPON THE NUMBERED NATURE OF SUIT CODE LISTED ON THE CIVIL COVER SHEET. (SEE LOCAL RULE 40.1(A)(1)).

- I 160, 416, 470, R.23, REGARDLESS OF NATURE OF SUIT.
- II 195, 368, 400, 440, 441-444, 540, 550, 555, 625, 710, 720, 730, 740, 790, 791, 820*, 830*, 840*, 850, 890, 892-894, 895, 950.
- X III 110, 130, 138, 140, 151, 190, 210, 230, 240, 245, 290, 310, 335, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.
- IV. 130, 422, 423, 430, 460, 510, 530, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.
- V. 150, 152, 153.

*Also complete AO 120 or AO 121
for patent, trademark or copyright casesU.S. DISTRICT COURT
DISTRICT OF MASS.

3. TITLE AND NUMBER, IF ANY, OF RELATED CASES. (SEE LOCAL RULE 40.1(E)).

Bunker Hill Ins. v. Boateng, et al. Suffolk Superior Ct# 04-0729

4. HAS A PRIOR ACTION BETWEEN THE SAME PARTIES AND BASED ON THE SAME CLAIM EVER BEEN FILED IN THIS COURT?

YES ☐ NO ☒

5. DOES THE COMPLAINT IN THIS CASE QUESTION THE CONSTITUTIONALITY OF AN ACT OF CONGRESS AFFECTING THE PUBLIC INTEREST? (SEE 28 USC 2403)

YES ☐ NO ☒

IF SO, IS THE U.S.A. OR AN OFFICER, AGENT OR EMPLOYEE OF THE U.S. A PARTY?

YES ☐ NO ☒

6. IS THIS CASE REQUIRED TO BE HEARD AND DETERMINED BY A DISTRICT COURT OF THREE JUDGES PURSUANT TO TITLE 28 USC 2284?

YES ☐ NO ☒7. DO ALL PARTIES IN THIS ACTION RESIDE IN THE CENTRAL SECTION OF THE DISTRICT OF MASSACHUSETTS

(WORCESTER COUNTY) - (SEE LOCAL RULE 40.1(C)).

YES ☒ NO

OR IN THE WESTERN SECTION (BERKSHIRE, FRANKLIN, HAMPDEN OR HAMPSHIRE COUNTIES)? -

YES ☐ NO ☒

(SEE LOCAL RULE 40.1(D)).

8. DO ALL OF THE PARTIES RESIDING IN MASSACHUSETTS RESIDE IN THE CENTRAL AND/OR WESTERN SECTIONS OF THE DISTRICT?YES ☒ NO(A) IF YES, IN WHICH SECTION DOES THE PLAINTIFF RESIDE? Worcester9. IN WHICH SECTION DO THE ONLY PARTIES RESIDING IN MASSACHUSETTS RESIDE? Worcester

10. IF ANY OF THE PARTIES ARE THE UNITED STATES, COMMONWEALTH OF MASSACHUSETTS, OR ANY GOVERNMENTAL AGENCY OF THE U.S.A. OR THE COMMONWEALTH, DO ALL OTHER PARTIES RESIDE IN THE

CENTRAL SECTION; YES ☐ NO ☒ OR WESTERN SECTION; YES ☐ NO ☒

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME Douglas L. Fox, Esq.ADDRESS Shumway, Giguere & Fox, PC, 19 Cedar St., Worcester, MA 01609TELEPHONE NO. 508-756-2323

(Caption rev. - 3/97)